

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
PORT HURON DIVISION

JAY & KAY MANUFACTURING, LLC,)	
)	
Plaintiff,)	CASE NO.
)	
vs.)	
)	
REGAL MARINE INDUSTRIES, INC.,)	JURY TRIAL DEMANDED
)	
Defendant.)	
)	

COMPLAINT

Plaintiff Jay & Kay Manufacturing, LLC (“Jay & Kay”), by its undersigned attorneys, complain against Defendant Regal Marine Industries, Inc. (“Regal”), alleges as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code.

THE PARTIES

2. Jay & Kay is a foreign limited liability company organized in Ohio and having a principal place of business located at 72 Louise Street, Croswell, Michigan 48422.

3. Upon information and belief, Regal is a foreign corporation incorporated in Florida and having a principal place of business located at 2300 Jetport Drive, Orlando, Florida 32809.

JURISDICTION AND VENUE

4. This suit arises under the patent laws of the United States, 35 U.S.C. § 101 et seq. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 (federal question) and 1338(a) (any Act of Congress relating to patents or trademarks).

5. This Court has personal jurisdiction over Regal because Regal is transacting business in this judicial district and committing and continues to commit acts of infringement in this judicial district.

6. Venue is proper in this judicial district as to Regal under 28 U.S.C. § 1391(b) and (c) and § 1400(b).

THE ASSERTED PATENT

7. United States Patent No. 7,798,089 (“the ‘089 Patent”) was duly and legally issued on September 21, 2010 to Scott J. McKeand for an invention entitled “Hinged Radar Arch for Marine Vessels” and is still in force. A true copy of the ‘089 Patent is attached to this Complaint as Exhibit A.

8. Jay & Kay is the owner of all right, title, and interest in, to and under the ‘089 Patent.

BACKGROUND

9. The ‘089 Patent is directed to a hinged arch assembly for marine vessels. The invention of the ‘089 Patent has been made, marketed, and sold by Jay & Kay in the United States.

10. On August 12, 2014, Regal received actual notice of the ‘089 Patent from Jay & Kay. A true copy of the written notification is attached to this Complaint as Exhibit B.

COUNT I

(Infringement of the '089 Patent by Regal)

11. Plaintiff realleges each and every one of the foregoing paragraphs 1-10 of this Complaint.

12. Regal has made, used, offered for sale, sold, and/or distributed, and continues to make, use, offer for sale, sell, and/or distribute a hinged arch assembly for marine vessels in the United States, which infringes upon the '089 Patent.

13. Regal has infringed the '089 Patent and/or has contributed to the infringement of others and/or has induced others to infringe and, unless enjoined, will continue to infringe and/or contribute to the infringement by others and/or induce others to infringe the '112 Patent by making, using, offering to sell, selling, and/or distributing products covered by at least claim 1 of the '089 Patent.

14. On information and belief, the infringement by Regal, as set forth herein, has been willful.

15. Jay & Kay has been damaged by Regal's infringement of the '089 Patent in an amount to be determined at trial.

16. Regal's infringement of the '089 Patent has caused Jay & Kay irreparable harm and injury.

17. Regal's infringement of the '089 Patent is in direct violation of Jay & Kay's right under 35 U.S.C. § 271 to exclude others from making, using, selling, and/or offering for sale products embodying the invention of the '089 Patent.

18. Jay & Kay has no adequate remedy at law.

19. Jay & Kay will continue to suffer irreparable harm unless an injunction is issued enjoining and restraining Regal from infringing the '089 Patent.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Jay & Kay respectfully requests that the Court enter a judgment as follows:

- (a) A judgment that Regal has infringed the '089 Patent; contributorily infringed the '089 Patent; induced infringement of the '089 Patent; and willfully infringed the '089 Patent;
- (b) A judgment and order requiring Regal to pay Jay & Kay damages under 35 U.S.C. § 284, including supplemental damages for any continuing post-verdict infringement up until entry of the final judgment, with an accounting, as needed, and treble damages for willful infringement as provided by 35 U.S.C. § 284;
- (c) A judgment and order enjoining Regal, and its agents, servants and employees, and all those in active participation with them, from infringing, contributing to the infringement of others, and/or inducing infringement of the '089 Patent;
- (d) A judgment and order requiring Regal to pay Jay & Kay pre-judgment and post-judgment interest on the damages awarded;
- (e) A judgment and order requiring Regal to pay Jay & Kay the costs of this action (including all disbursements) and attorney's fees as provided by 35 U.S.C. § 285; and
- (f) Such other and further relief as the Court deems just and equitable.

JURY DEMAND

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff Jay & Kay demands a trial by jury on all issues so triable.

Date: January 13, 2015

Respectfully submitted,

/s/ John M. Sier

John M. Sier (P39336)

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